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PATENT APPLICATION

DEC 20 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Brandt, Kevin S.  
Gaines, Patrick J.  
Stinchcomb, Dan T.  
Wisniewski, Nancy

) Group Art Unit: 1636

) Examiner: Vogel, Nancy T.

) RESPONSE TO  
)RESTRICTION REQUIREMENT

Serial No.: 10/621,901

Filed: July 16, 2003

Atty. File No.: FC-8-C3

For: "FLEA HEAD, NERVE CORD,  
HINDGUT AND MALPIGHIAN  
TUBULE NUCLEIC ACID  
MOLECULES, PROTEINS AND  
USES THEREOF"

## CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING FACSIMILE TRANSMITTED TO EXAMINER  
NANCY T. VOGEL, PhD, FAX NO. 703-872-9306, ADDRESSED  
TO MAIL STOP AMENDMENT, COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450,  
THIS 20TH DAY OF DECEMBER 2004.

HESKA CORPORATION

By: 

Theresa A. Brown, Esq.

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the restriction requirement mailed on October 20, 2004, Applicants traverse the requirement and request reconsideration based on the following remarks. A Petition for an Extension of Time of one month is submitted herewith.

Pending claims 1-20 have been restricted into the following groups of claims:

- Group I: Claims 1-8 and 18 drawn to nucleic acid molecules, recombinant molecules or viruses comprising said nucleic acid molecules and a cell comprising said nucleic acid molecules;
- Group II: Claims 9-11 drawn to a method of producing a protein comprising transfecting a host cell with nucleic acid molecules that hybridize to the

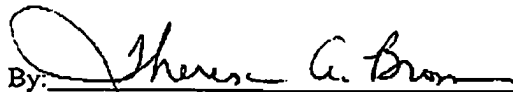
nucleic acids shown in Table I or II or those complementary to said nucleic acids;

- Group III: Claims 12-14, 17 and 19 drawn to an isolated protein which is encoded by a nucleic acid molecule that hybridizes to the nucleic acid molecules complementary to the nucleic acid molecules shown in Table I or II;
- Group IV: Claims 15 and 20 drawn to an antibody that binds to said protein; and
- Group V: Claim 16 drawn to a method of identify a compound capable of inhibiting activity of said isolated protein.

Although Applicants believe the examination of all the claims would not pose a serious burden on the Examiner, Applicants nevertheless elect the Group I claims for further prosecution and further elect SEQ.ID.NO: 26 as the individual sequence for examination.

Respectfully submitted,

Dated: December 20, 2004

By: 

Theresa A. Brown, Esq.  
Registration No. 32,547  
Heska Corporation  
1613 Prospect Parkway  
Fort Collins, CO 80525  
Telephone: (970) 493-7272  
Facsimile: (970) 491-9976